

CHAPTER 16. DEFINITIONS

Whenever the words or phrases below appear in these regulations, they shall have the meaning given to in this section. Unless context requires otherwise, words used in the present tense include the future; the singular includes the plural and the plural the singular; the words “shall” and “must” are mandatory; and the word “may” is discretionary. The term “may not” is prohibitive. In addition to the definitions in this chapter, terms specific to a section of these regulations may be defined within that particular section. Words and phrases not specifically defined in these regulations shall have their usual and customary meaning in the context of land use planning. Words defined in this chapter are shown in **bold highlight** throughout these regulations.

#s

100-YEAR FLOOD: A **flood** magnitude that has a one percent (1%) chance of being equaled or exceeded in any given year, commonly referred to as a **base flood**.

100-YEAR FLOODPLAIN: The area of land that would be inundated by water of a **100-year flood**. The 100-year floodplain consists of a **floodway** and a **flood fringe**. (See FLOODPLAIN, Figure 16-1).

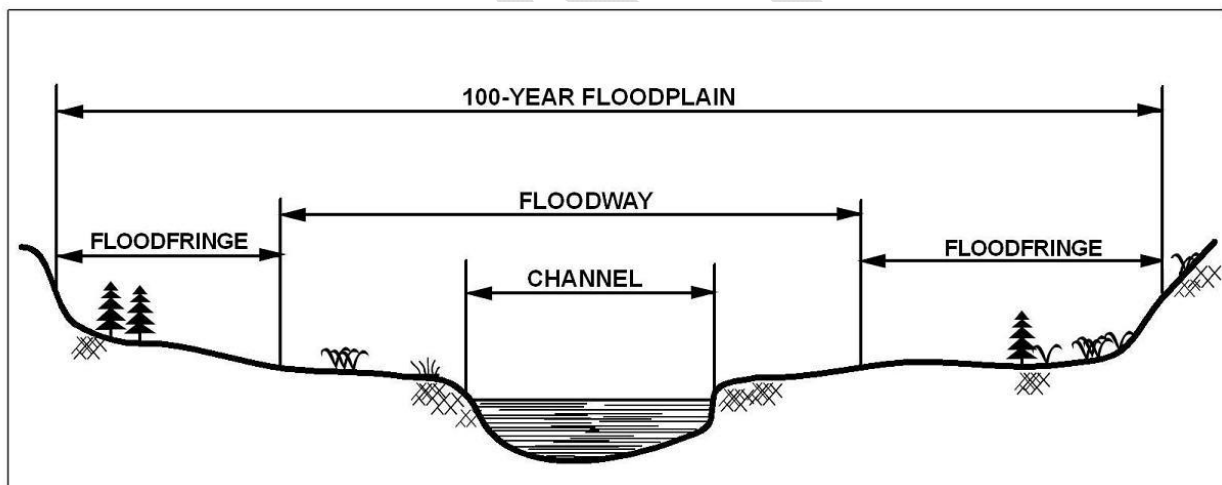


Figure 16-1
Floodplain Components

A

AASHTO: American Association of State Highway and Transportation Officials.

ABSTRACT OF TITLE: Same as TITLE REPORT.

ABUT: To physically touch or border upon; to share a common property line.

ACREAGE: See GROSS ACREAGE and NET ACREAGE.

ADJOIN: Same as ABUT.

ADJACENT LANDOWNER: The **landowner** of a **tract of record** within 300 feet from any point of the **subdivision**.

ADT (AVERAGE DAILY TRAFFIC): The average number of vehicles crossing a specific point on a **roadway** during a 24-hour period.

AFFECTED AGENCIES: Any agency identified by the **applicant**, **Planning Department**, **Planning Board** or **BCC** as having a potential interest in a **subdivision**. Affected agencies may include but are not limited to **state** and federal agencies, school and fire districts, **irrigation districts**, utility companies and any other agency potentially impacted by the **subdivision**.

AGGRIEVED PERSON: A **person** who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by a **subdivision** decision. [[76-3-625\(4\)](#), [MCA](#)]

AGRICULTURE: All aspects of farming, or ranching, including the cultivation or tilling of soil; dairying; the production, cultivation, growing, or harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals, or poultry; and any practices, including forestry or lumbering operations, preparation for market or delivery to storage, to market, or to carriers for transportation to market. [See [41-2-103\(1\)](#), [MCA](#)]

AGRICULTURAL COVENANT: A **covenant** running with the land which restricts that land to **agriculture** use.

AGRICULTURAL WATER USER FACILITIES: Facilities that provide water for **agriculture**. These facilities include but are not limited to ditches, head gates, pipes, and other water conveying facilities.

AIR POLLUTION: The presence of air pollutants in a quantity and for a duration that are or tend to be injurious to human health or welfare, animal or plant life, or property or that would unreasonably interfere with the enjoyment of life, property, or the conduct of business.

AMENDED PLAT: The final drawing of any changes to a recorded **subdivision** plat, or any **lots** within a recorded **subdivision**.

ANNEXATION: The process of adding land to the jurisdictional area of a governmental subdivision.

APPEAL: A process to review (1) a decision or determination, or (2) a failure to act as required.

APPLICANT: A **person** who causes land to be subdivided or who proposes a **division of land**. An applicant includes the **landowner** and the **landowner's** agent if the **landowner** provides the **Planning Department** written notification that the **landowner's** agent is authorized to act on the **landowner's** behalf and to receive notices regarding the **subdivision**. [Same as definition of "subdivider" in [76-3-103\(14\)](#), [MCA](#)]

APPLICATION: Submittal to the **Planning Department** of completed and signed materials including applicable fee required to initiate review under these regulations. (See also FINAL PLAT APPLICATION and PRELIMINARY PLAT APPLICATION)

ARM: Administrative Rules of Montana.

AVALANCHE: A movement of a large mass of snow and other debris moving downslope under gravitational forces. (See also LANDSLIDE.)

B

BASE FLOOD: Same as 100-YEAR FLOOD.

BASE FLOOD ELEVATION: The vertical elevation above sea level in relation to North American Vertical Datum 1988, to which the waters of a **100-year flood** are expected to rise. The base flood elevation is the same as the **100-year flood** elevation.

BCC: The Ravalli County Board of County Commissioners. The BCC is the **governing body** required to adopt these regulations and review proposed **divisions of land** in the **County's** jurisdictional areas.

BLOCK: A group of **lots** entirely bounded by **roadways**.

BUILDING: A **structure** having a roof supported by walls, columns, or other supports intended for the shelter or enclosure of persons, animals, or property of any kind.

BUILDING ENVELOPE: A designated area of a **lot** depicted on the face of a plat, showing the location where a **building** or **structure** may be placed.

C

CAMPGROUND: A **parcel** of land available to and principally used by the public for camping, where persons can camp, secure tents or cabins, or park trailers for camping and sleeping purposes. [[50-52-101, MCA](#)]

CAMPSITE: That part of a **campground** where a cabin is located or that is designated for a tent or trailer space.

CASH-IN-LIEU OF PARK DEDICATION: A cash payment that is accepted under [76-3-621, MCA](#), in lieu of **park dedication**.

CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a **surveyor** for the purpose of disclosing facts pertaining to boundary locations.

CERTIFICATE OF TITLE: Same as TITLE REPORT.

CITY OF THE FIRST CLASS: A municipality with a population of 10,000 or more. [\[7-1-4111, MCA\]](#)

CITY OF THE SECOND CLASS: A municipality with a population of less than 10,000 and more than 5,000. [\[7-1-4111, MCA\]](#)

CITY OF THE THIRD CLASS: A municipality with a population of less than 5,000 and more than 1,000. [\[7-1-4111, MCA\]](#)

CLERK & RECORDER: The Ravalli County Clerk and Recorder's Office.

COMMON AREA: Area in a **subdivision**, held in single or common ownership, that is not reserved for the exclusive use or benefit of one individual tenant or owner.

COMMON DEVELOPMENT PLAN: A plan submitted by two (2) or more **adjoining landowners** working together to develop **subdivision** proposals for concurrent review for the specific benefit of said properties and **landowners**.

COMMON DRIVEWAY: An access that provides **legal access** and **physical access** to two **adjoining lots** as shown in Figure 16-2.

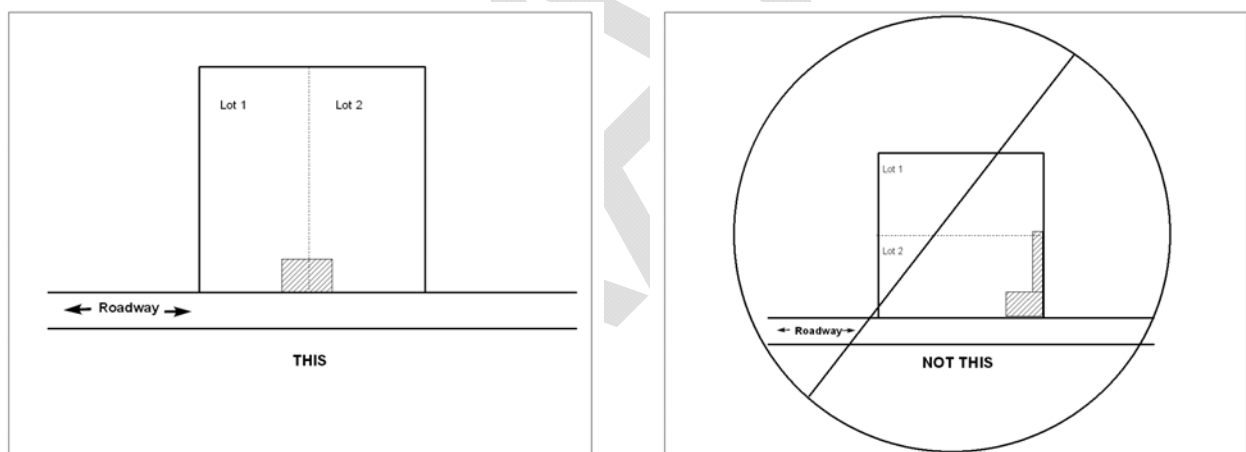


Figure 16-2
Common Driveway

COMMUNITY AMENITY SUBDIVISION: An approach to subdividing land that concentrates the location of **lots** in a manner so as to preserve open space, environmentally sensitive features, or common areas for public use.

CONDITIONAL PUBLIC ACCESS EASEMENT: An **easement** that will come into existence and be dedicated to the public upon the occurrence of triggering events or conditions, such as

when a future **roadway** or **non-motorized facility** from an **adjoining lot** or **subdivision** is constructed within the **easement** to provide interconnectivity between two **lots** or **subdivisions**.

CONDOMINIUM: Ownership of single **units** with common elements located on property submitted to the provisions of the Montana Unit Ownership Act, [Title 70, Chapter 23, MCA](#).

CONSERVATION EASEMENT: An **easement** or restriction, running with the land and assignable, whereby a **landowner** voluntarily relinquishes to the holder of such **easement** or restriction any or all rights to construct **improvements** upon the land or to substantially alter the natural character of the land or to permit the construction of **improvements** upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the **easement** or restriction. [\[76-6-104, MCA\]](#)

COUNTY: Ravalli County, Montana.

COUNTY ROADWAY: A **roadway** that has been legally adopted as a Ravalli County **roadway** in accordance with the laws applicable at the time of its adoption.

COUNTY-OPERATED ROADWAY: A **roadway** within the **County** that is maintained by the **County**. A list of County-operated roadways can be obtained from the **Planning Department**.

COVENANT: A limitation contained in a deed or other document that restricts or regulates the use of real property.

CURB: A concrete or other improved boundary marking the edge of a **roadway** or paved area.

D

DEDICATION: The deliberate appropriation of land by a **landowner** for any general and public use, reserving to the **landowner** no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. [\[76-3-103\(3\), MCA\]](#)

DEFENSIBLE SPACE: An area around **buildings** and **structures** where measures are taken to reduce the chance of a fire spreading to or from the **building** or **structure**. Typical measures include landscaping, **fuels breaks**, tree thinning, and fuels management.

DETENTION STRUCTURE: A **structure** designed to collect and temporarily store **stormwater** with subsequent gradual release of **stormwater**. (Contrast with RETENTION STRUCTURE.)

DIVISION OF LAND: The segregation of one or more **parcels** of land from a larger **tract** held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or **subdivision plat** establishing the identity of the segregated **parcels** pursuant to the **MSPA**. The conveyance of a **tract of record** or an entire **parcel** of land that was created by a previous division of land is not a division of land. [\[76-3-103\(4\), MCA\]](#)

DRAINAGE AREA: A drainage area is the total surface area, upstream of a point on a **stream**, where the water from rain, snowmelt, or irrigation which is not absorbed into the ground flows over the ground surface, back into **streams**, to finally reach that point.

DRIVEWAY: An access that provides **legal access** and **physical access** to only one **lot** and lies solely on the **lot** for which it is providing access. (See also COMMON DRIVEWAY; contrast with ROADWAY)

DRY HYDRANT: A pipe that leads to a water source, but has no pressure of its own. Fire fighters may attach fire hoses to dry hydrants and draft water from the water source.

DWELLING UNIT: A **building** in which a person or persons reside. (See also PRIMARY DWELLING UNIT)

E

EA (ENVIRONMENTAL ASSESSMENT): A written report that documents the environmental, social, and cultural impacts and consequences of a proposed **subdivision**. [See [76-3-603, MCA](#)]

EASEMENT: Authorization by a **landowner** for another to use, or restriction on the right of the **landowner** to use, a designated portion of the **landowner's** property for a specified purpose, including but not limited to **roadways**, irrigation facilities, **non-motorized facilities** and utilities. (See also CONDITIONAL PUBLIC ACCESS EASEMENT and CONSERVATION EASEMENT)

EMERGENCY SERVICES: Community services, including fire protection, law enforcement, ambulance, quick response, search and rescue, **flood** and disaster relief. Emergency services may be provided by local governments or private organizations.

ENGINEER: A person licensed in conformance with [Title 37, Chapter 67, MCA](#) to practice engineering in the State of Montana.

ENGINEERING PLANS: Plans prepared under the supervision of an **engineer** for elements including community water systems, community sewer systems, and **roadways**. Plans shall be of sufficient detail to depict required land **dedication(s)** and rights-of-way. Plans shall be sufficient to show that all **lots** can be served by the system proposed and shall be certified by the **engineer** to that effect.

F

FINAL PLAT: The final drawing of the **subdivision**, containing all **dedications**, elements, and requirements set forth in the **Preliminary Plat Decision**, these regulations, and the **MSPA**. The final plat is required to be recorded with the **Clerk & Recorder**. [[76-3-611, MCA](#)] (See Appendix D)

FINAL PLAT APPLICATION: Submittal to the **Planning Department** of all required materials, including the **final plat**, prior to approval by the **BCC** and recording with the **Clerk & Recorder**. (See Appendix C)

FIRST MINOR SUBDIVISION: A **minor subdivision** from a **tract of record** that has not been subdivided or created by a **subdivision** under the **MSPA**, or has not resulted from a **tract of record** that has had more than five **lots** created from that **tract of record** under [76-3-201](#) or [76-3-207, MCA](#), since July 1, 1973. [[76-3-609\(2\), MCA](#)]

FLOOD or FLOODING: The water of any watercourse or drainage that is above the bank or outside the channel banks of such a watercourse or drainage, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODFRINGE: The portion of the **floodplain** located outside the limits of the **floodway**. (See Figure 16-1).

FLOODPLAIN: Any area of land susceptible to being inundated by water from any source. (See also 100-YEAR FLOODPLAIN, FLOODFRINGE, and FLOODWAY)

FLOODWAY: The channel of a watercourse or drainage and the adjacent land areas that must be reserved in order to discharge the **base flood** without cumulatively increasing the water surface elevation more than a designated height. (See Figure 16-1).

FUEL BREAKS: A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.

G

GOVERNING BODY: The governing authority of a county, city or town organized pursuant to law [[76-3-103 \(7\), MCA](#)]. The governing body for Ravalli County is the **BCC**.

GRAVEL ROADWAY: A **roadway** that is not a **paved roadway**.

GROSS ACREAGE: The total area within a **parcel** of land.

GROWTH POLICY: A policy that may be adopted pursuant to [Title 76, Chapter 1, MCA](#), on or after October 1, 1999. In these regulations, unless context requires otherwise, the Growth Policy refers to the Ravalli County Growth Policy, if one has been adopted.

GUTTER: A shallow channel, usually set along a curb, for purposes of catching and carrying off water.

H

HAZARD: Any condition, either natural or man-made, that presents a danger to the public health, safety, or general welfare.

HIGH FIRE HAZARD AREA: Those areas that, due to fire history, vegetation type and density, fuel types and loadings, topography, aspect, and other physical characteristics, are more likely than not to experience a wildland fire event.

HISTORIC RESOURCES: Various long-established sites and **structures** which provide a link to the past and may be considered important to preserve. Examples of historic resources include archeological sites, mining districts, old trails, roadways and bridges, irrigation ditches, original farmsteads, homes, schools, churches, and Forest Service guard stations.

HOMEOWNERS' ASSOCIATION: A private, nonprofit corporation of homeowners established according to State law for the purpose of owning, operating, or maintaining various common properties.

I

IMMEDIATE FAMILY: Living spouses, children by blood or adoption, and parents [\[76-3-103\(8\), MCA\]](#).

IMPROVEMENT: Any **structure** constructed to serve the residents of a **subdivision** or the general public. Improvements include parks, **roadways**, sidewalks, **curbs** and **gutters**, street lighting, utilities, and systems for water supply, wastewater (sewage) treatment, and disposal and stormwater drainage. (See also PRIVATE IMPROVEMENT and PUBLIC IMPROVEMENT)

IRRIGATION DISTRICT: A district established pursuant to [Title 85, Chapter 7, MCA](#).

IRRIGATION DITCH: A man-made **structure** designed to convey water for irrigation purposes.

L

LANDOWNER: All **persons** with a title interest in the property. For purposes of the exemptions listed in [76-3-207, MCA](#), when a **lot** of land is being conveyed under a contract-for-deed, **landowner** means the seller of the **lot** under the contract-for-deed ([24.183.1104 ARM](#)). For all other purposes of these regulations, **landowner** means both the seller and the purchaser under a contract for deed.

LANDSLIDE: A movement of a large mass of soil and/or rock moving downslope under gravitational forces. (See also AVALANCHE)

LEGAL ACCESS: Each **lot** in a **subdivision** must **abut** a public roadway, or the **applicant** must obtain adequate and appropriate **easements** across all necessary properties from a public **roadway** to each **lot** in the **subdivision**.

LEVEL OF SERVICE: A standard used to measure the quality or effectiveness of **local services**, such as law enforcement or fire protection, or the performance of a facility, such as a **roadway**.

LIVING SPACE: Space designed, intended and used for living, sleeping, eating, cooking, recreation or any combination thereof. Closets, bathrooms, laundry and utility spaces are not considered living space.

LOCAL SERVICES: Services or facilities provided to the public, including but not limited to water supply and sewage treatment facilities, **emergency services**, public health services, educational services, and transportation systems. Local services may be provided by local governments or private organizations.

LOT: An existing or proposed **tract of record**. For the purposes of reviewing **major/minor subdivisions** and calculating **pro rata share** **lots** shall also include **units** within a **subdivision for lease or rent** and **RV spaces**.

LOT LINE: A line dividing one **lot** from another **lot** or from a **roadway**.

M

MAJOR SUBDIVISION: a **subdivision** containing six (6) or more **lots**.

MCA: Montana Code Annotated.

MDEQ: Montana Department of Environmental Quality.

MDPHHS: Montana Department of Public Health and Human Services.

MDT: Montana Department of Transportation.

MINOR SUBDIVISION: a **subdivision** containing five (5) or fewer **lots**.

MITIGATION: Measures taken to reasonably minimize potentially significant adverse impacts of a **subdivision**.

MOBILE HOME: A detached residential **dwelling unit**, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a **building** site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

MOBILE HOME SPACE: A designated portion of a **mobile home park** designed for the accommodation of one **mobile home** and accessory **buildings** or **structures** for the exclusive use of the occupants. (See also UNIT.)

MOBILE HOME PAD: That area of a **mobile home space** which has been prepared for the placement of a **mobile home**.

MOBILE HOME PARK: A tract of land providing two (2) or more **mobile home spaces** that could be for lease or rent to the general public.

MDEQ MINIMUM STANDARDS: Minimum standards promulgated by **MDEQ** pursuant to [Title 76, Chapter 4, Part 1, MCA](#).

MONUMENT: Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

MSPA: Montana Subdivision and Platting Act, [Title 76, Chapter 3, MCA](#).

N

NATURAL DRAINAGE: A natural watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural **stream** water or **stormwater** continuously or intermittently in a definite direction. Natural drainages include all intermittent and perennial **streams** identified on a USGS topographic map.

NATURAL ENVIRONMENT: The physical conditions that exist within a given area, including land, air, water, mineral, flora, fauna, sound, light, and objects of historic and aesthetic significance.

NATURAL HAZARD: Including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services. [\[76-3-501\(9\), MCA\]](#)

NO-BUILD ZONE: An area in which no **building** or **structure** may be constructed or otherwise placed. **Roadways**, trails, and utility crossings may be permissible within a no-build zone. (Contrast with NO BUILD/ALTERATION ZONE)

NO-BUILD/ALTERATION ZONE: An area in which no **building** or **structure** may be constructed or otherwise placed and no **roadway** or utility crossing is permitted and the vegetation is retained in its natural condition, with the exception of necessary weed control and the removal of vegetation and thinning of trees as may be necessary to protect against wildfire and promote a healthy ecosystem. No fill is permitted to be placed within the no-build/alteration zone. Fences are permitted within a no-build/alteration zone. Certain specific development alterations may be permissible within the no-build/alteration zone as provided for in these regulations. (Contrast with NO BUILD ZONE)

NO-INGRESS/EGRESS ZONE: An area across which vehicular access is prohibited.

NON-MOTORIZED FACILITY: A route or accessway providing for non-motorized uses including pedestrians, bicyclists, equestrians, and wheelchairs. Non-motorized facilities include **sidewalks**, walkways, widened and striped **roadways**, trails and bikeways.

NOXIOUS WEED: Any exotic plant species established or that may be introduced in the **State** that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated as a statewide noxious weed by rule of the Montana Department of Agriculture or as a district noxious weed by a district weed board. [[7-22-2101, MCA](#)]

O

OFF-SITE: Any area not located within the **division of land**.

ON-SITE: Within the **division of land**.

ORDINARY HIGH-WATER MARK: The point found on **streams** which the presence and actions of waters are so common and usual as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, or other easily recognizable characteristics.

OVERALL DEVELOPMENT PLAN: The plan showing future development potential of areas not included in a **subdivision** proposal.

OWNER: Same as LANDOWNER.

P

PARCEL: An area of land, all parts of which are contiguous , in the possession of, owned by, or managed by the same **person**.

PARCEL, PARENT: The subject parcel of land that is proposed to be the site of a subdivision.

PARKLAND: An area specifically set aside for outdoor recreation, conservation of natural environment, **wildlife habitat**, etc.

PARK BOARD: The Ravalli County Park Board created pursuant to [7-16-2301, MCA](#).

PARK DEDICATION: Land set aside by the **applicant** for **parkland**. [[76-3-621, MCA](#)] (See also CASH-IN-LIEU OF PARK DEDICATION)

PARKING LOT: An off-street area improved for the temporary, daily, or overnight parking of motor vehicles.

PAVED ROADWAY: A **roadway** that is paved with an asphalt-concrete surface approved by the **RCRBD**.

PERSON: Any individual, corporation, limited liability company, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PHYSICAL ACCESS: A **roadway** conforming to the design and development standards in applicable law and regulation, including any relevant **variance** requests, that provides unobstructed vehicular access year-round to the **subdivision**.

PLANNING BOARD: The Ravalli County Planning Board formed pursuant to [Title 76, Chapter 1, MCA](#).

PLANNING DEPARTMENT: The Ravalli County Planning Department. The Planning Department is the agency designated by the **BCC** to review **applications** for sufficiency in accordance with the **MSPA** and these regulations.

PLANNING DIRECTOR: The **Planning Department** Director.

PLAT: A clear, scaled drawing and/or plan of a **division of land** containing the information required by Montana law and these regulations. (See also AMENDED PLAT, FINAL PLAT, and PRELIMINARY PLAT)

PLATTED SUBDIVISION: **Tracts of record** created by platting both prior to and following July 1, 1973.

PPD (PRELIMINARY PLAT DECISION): The written statement prepared by the **BCC** following any decision by the **BCC** to approve, conditionally approve, or deny a proposed **subdivision**. The PPD shall contain the information required by [76-3-620, MCA](#), and these regulations.

PRELIMINARY PLAT: A **plat** of a proposed **subdivision** that furnishes a basis for review as more specifically set forth in these regulations and the **MSPA**. (See Appendix B)

PRELIMINARY PLAT APPLICATION: Submittal to the **Planning Department** of all required materials, including the **preliminary plat**, prior to **subdivision** review. (See Appendix A)

PRIMARY ACCESS: Any access(es) into a **subdivision** that can be reasonably anticipated to provide vehicular access to one or more **lots** within the **subdivision**.

PRIMARY ACCESS ROUTE: All **roadways** along a particular route that must be traveled to enter **primary access(es)** to a **subdivision**, as measured from US Highway 93 or Eastside Highway, whichever is closer.

PRIMARY DWELLING UNIT: A **dwelling unit** that serves as the principal residence on a **lot**.

PRIVATE IMPROVEMENT: Private **improvements** are the same types of **improvements** as defined under **public improvements**, except the **structure** or facility has not been dedicated to the public or otherwise acquired by a government entity for public use.

PROFESSIONAL ENGINEER: Same as ENGINEER.

PROFESSIONAL LAND SURVEYOR: Same as SURVEYOR.

PRO-RATA SHARE: The pro rata share for **subdivision improvements** shall be calculated as follows:

$$\frac{\text{Projected ADT for Proposed Subdivision}}{\text{Projected ADT for Proposed Subdivision} + \text{Existing ADT}} \times \text{Cost Estimate}$$

The “Projected **ADT** for Proposed Subdivision” is calculated using **RCRBD** policies and the latest edition of the manual entitled “Trip Generation” published by the Institute of Transportation Engineers based on the number of proposed **lots** within the **subdivision** and the proposed usage of those **lots**, minus all existing **tracts of record**. The estimated traffic shall be zero trips for any residences/businesses on the **subdivision** property that have been in place prior to the enactment of the **MSPA** in 1973 as documented by the **applicant** through tax records, wastewater treatment system permits, or other credible evidence.

The “Existing **ADT**” is calculated using the current traffic measured on the **primary access route(s)** in question.

The “Cost Estimate” is calculated by the **RCRBD** and includes costs for **engineering** (planning, design, survey, inspection), construction, administration, **easement** acquisition if required, and moving of utilities and **structures** if required.

ADT and Cost Estimate(s) shall be completed by the **RCRBD** or completed by an **engineer** and approved by the **RCRBD**.

PUBLIC HEALTH AND SAFETY: The healthful, sanitary condition of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; **emergency services**; environmental health; flooding, fire or wildfire hazards; rock falls or landslides; unstable soils, steep slopes, and other **natural hazards**; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards.

PUBLIC IMPROVEMENT: Any **structure** or facility constructed to serve more than one **lot** in a **subdivision** that is dedicated to the public or otherwise acquired by a government entity for public use. Public improvements may include parks, **roadways**, sidewalks, **curbs**, **gutters**, street lighting, utilities, systems for water supply, wastewater (sewage) treatment and disposal, drainage, or fire protection.

PUBLIC UTILITY: A utility as defined in [69-3-101, MCA](#), except that for the purposes of these regulations the term includes county or consolidated city and county water or sewer districts as provided for in [Title 7, chapter 13](#), parts 22 and 23. [\[76-3-103\(13\), MCA\]](#)

R

RCEH: The Ravalli County Environmental Health Department.

RCRBD: The Ravalli County Road and Bridge Department.

REMAINDER: That portion of an original **parcel** that is not itself intended for transfer, but that is left after other **parcels** are segregated for transfer. In reference to **subdivisions**, a remainder is considered a **lot** in a **subdivision** which must be reviewed with the **subdivision**. In reference to an exemption by a certificate of survey, the remainder is a separate parcel that must be surveyed.

RETENTION STRUCTURE: A **structure** designed to collect and prevent the release of a given volume of **stormwater** by complete **on-site** storage. (Contrast with DETENTION STRUCTURE.)

REVIEWING AUTHORITY: The authority (**MDEQ** or **RCEH**) certified to conduct review of sanitation in **subdivisions** under [Title 76, Chapter 4, MCA](#). [[76-4-102\(12\), MCA](#)]

ROADWAY: Portions of a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles. **Roadway** shall include both the physical infrastructure and **easement** in which the infrastructure is situated. (See also COUNTY ROADWAY, COUNTY-OPERATED ROADWAY, GRAVEL ROADWAY and PAVED ROADWAY; (contrast with DRIVEWAY)

ROADWAY INTERSECTION: An at-grade connection of a **roadway** or **driveway** with another **roadway**.

ROADWAY MAINTENANCE AGREEMENT: A written instrument recorded with the Clerk & Recorder that defines how a private **roadway** is or will be maintained, and the rights and obligations of the parties to the agreement, in perpetuity or until such time as a governing body or agency with authority to do so accepts maintenance of the **roadway**.

RURAL IMPROVEMENT DISTRICT: An established area in the unincorporated area of the **County** that is created by the **BCC** pursuant to [Title 7, Chapter 12, Part 21, MCA](#) for the express purpose of levying a special tax to pay for **public improvements**/maintenance for the benefit of those within the district.

RV (RECREATIONAL VEHICLE): A vehicle primarily designed to provide temporary living quarters for recreational, camping, or travel use that is built on or attached to a self-propelled motor vehicle chassis, or to a chassis cab or van.

RV PARK: A **parcel** of land used for public camping where persons can rent a space to park or place **RVs**, camping trailers, pick-up campers, motor homes, travel trailers, or tents for dwelling purposes.

RV SPACE: A designated portion of an **RV park** that is designed for the exclusive use of its occupants.

S

SCREENING: A feature, such as a wall, fence, hedge, berm, used to shield or obscure elements of a development from adjacent lands.

SIDEWALK: A strip or section of concrete located along **roadways**, within the **easement**, separated from the **roadway** by a **curb**, planting strip, or both, and designed for use by pedestrians. A sidewalk is a type of **non-motorized facility**.

SITE PLAN: A plan, prepared by an **engineer** and drawn to scale, showing topography, the layout of existing and proposed property lines, **easements**, **structures**, uses, utilities, **parking lots**, **roadways**, signs, buffers, landscaping, adjacent land uses, and other information as required.

SLOPE: The change in vertical measurement to the change in the horizontal measurement, usually expressed as a percentage.

SPECIAL IMPROVEMENT DISTRICT: Same as RURAL IMPROVEMENT DISTRICT.

SPECIES OF SPECIAL CONCERN: Plant or animal species or plant communities identified by the Montana Natural Heritage Program as rare, endemic, disjunct, threatened, or endangered throughout their range or in Montana, vulnerable to extirpation from Montana, or in need of further research.

STATE: The State of Montana.

STORMWATER: The flow and accumulation of water from a rainfall event.

STREAM: A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STRUCTURALLY CONNECTED: To be structurally connected requires a common foundation, common roof line, and common wall element. A common foundation means that the proposed foundation directly **adjoins** that of the original foundation using the same or similar foundation materials and construction techniques. A common roof line means that the proposed roof **adjoins** the original roof and provides all-weather protection for the space beneath. A common wall element means an enclosed space directly attaches the proposed **structure** with the existing **structure**. Breezeways, openings, or other thoroughfares in the wall element that cannot be closed to provide all-weather protection for the space inside are not structural connections. Operable windows may be allowed. The finished **structure** should be constructed such that it allows for the comfortable passage of individuals to the original **structure**. It should appear to have been contemplated for construction with the original **structure**.

STRUCTURE: Any permanent or temporary object that is constructed, installed, or placed by man, which requires a location on a **parcel** of land. It includes **buildings** of all types, bridges,

instream structures, storage tanks, walls, fences, swimming pools, towers, antennas, poles, pipelines, transmission lines, smokestacks, signs, and similar objects.

SUBDIVIDER: Same as APPLICANT.

SUBDIVISION: A **division of land** or land so divided which creates one or more **parcels** containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public **roadways**, in order that the title to or possession of the **parcels** may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a **condominium** or area, regardless of its size, that provides or will provide multiple spaces for **recreational vehicles** or **mobile homes** [76-3-103(15), MCA]. (See also COMMUNITY AMENTIES SUBDIVISION, FIRST MINOR SUBDIVISION, MAJOR SUBDIVISION, MINOR SUBDIVISION, SUBDIVISION FOR LEASE OR RENT, and SUBSEQUENT MINOR SUBDIVISION)

SUBDIVISION EVASION CRITERIA: Those criteria adopted by a local government that it uses to determine whether a proposed use of a **subdivision** exemption is being adopted for the purpose of evading the **MSPA**.

SUBDIVISION FOR LEASE OR RENT: Any **parcel** of land that is subdivided by leasing, renting, or otherwise conveying portions thereof, including but not limited to **campgrounds** and **recreational vehicle parks**. **Structurally connected** additions to existing **buildings** are not subdivisions for lease or rent.

SUBDIVISION GUARANTEE: Same as TITLE REPORT.

SUBSEQUENT MINOR SUBDIVISION: any **subdivision** of five or fewer **parcels** that is not a **first minor subdivision**.

SURVEYOR: A person licensed in conformance with the Montana Engineers' and Land Surveyors' Act [Title 37, Chapter 67, MCA] to practice surveying in the State of Montana.

SWALE: A drainage channel or depression designed to direct surface water flow.

T

TITLE REPORT : A report from a title company on the condition of title to the property proposed for **subdivision**, which identifies the **landowners** of the property, lien holders, encumbrances, easements and restrictions of record, and all other conditions of title of public record, and accompanied by a guaranty of the accuracy of the report from the title insurance agent or its underwriter.

TOPOGRAPHY: General term to include characteristics of the ground surface such as plains, hills, mountains, slopes, and other physiographic features.

TOWN: A municipal corporation having a population of less than 1,000 and more than 300. [7-1-4111, MCA]

TRACT OF RECORD: An individual **parcel** of land, irrespective of ownership, that can be identified by legal description, independent of any other **parcel** of land, using documents on file in the records of the county clerk & recorder's office [[76-3-103\(16\)\(a\), MCA](#)].

U

UNDUE HARDSHIP: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Undue hardship relates to the physical characteristics of the property and shall not include personal or financial hardships or any other hardship that is self-imposed.

UNIT: A **building** or other space intended for occupancy or commercial use that may be sold, rented, leased, or otherwise conveyed to a **person**. A unit may or may not be in a single **building** or under a single roof. **Buildings** that are for the sole use by occupants of a **primary dwelling unit**, including garages and storage sheds, are not considered units for purposes of these regulations. Individual spaces within a mini-storage building are also not considered units.

V

VARIANCE: A grant of relief from the strict application of a rule or regulation that permits development in a manner otherwise prohibited.

VIOLATION: The failure to comply with applicable regulations.

W

WATER RIGHT: A right to use water that is protected under Montana law. [[Title 85, Chapter 2, MCA](#)]

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WILDLIFE: Animals (vertebrate and invertebrate) that exist in their natural environment. These exclude domesticated or tamed species.

WILDLIFE HABITAT: The place or area where **wildlife** naturally lives or travels through.